

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

**COLUMBIA DIVISION**

BRIAN BOWEN II,	)	
	)	
	)	
Plaintiff,	)	
v.	)	
	)	Civil Action No.: <u>3:18-3118-JFA</u>
ADIDAS AMERICA, INC.;	)	
JAMES GATTO; MERL CODE;	)	
CHRISTIAN DAWKINS; MUNISH	)	
SOOD; THOMAS GASSNOLA; and	)	
CHRISTOPHER RIVERS	)	
	)	
Defendants.	)	
_____	)	

**PLAINTIFF’S MOTION FOR A STATUS CONFERENCE**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, Plaintiff Brian Bowen II respectfully requests a video or telephonic status conference with the Court at its earliest convenience to discuss a proposed schedule for discovery and trial in this case.

This case was initiated on November 18, 2018, when Plaintiff filed his original complaint. Following the Court’s order dated February 27, 2020, resolving Defendants’ motions to dismiss Plaintiff’s amended complaint, Defendants Adidas America, James Gatto, Merl Code, Munish Sood, and Christopher Rivers filed their answers on April 15 and 16, 2020.<sup>1</sup> Defendant Dawkins requested Plaintiff’s consent for an extension of time to file his answer, which Plaintiff offered, but he has not yet filed an answer. Defendant Gassnola, who is not represented by counsel, did not move to dismiss Plaintiff’s amended complaint and has not filed an answer to it.

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<sup>1</sup> Defendant Adidas America’s responsive pleading included “crossclaims” against Plaintiff’s father, non-party Brian Bowen Sr., and Defendants Sood and Gassnola, *see* ECF No. 116. Sood and Bowen Sr. each filed motions to dismiss the crossclaims, *see* ECF Nos. 124 and 130.

Currently, no scheduling order has been issued in this case. Until a tentative scheduling order is issued pursuant to Local Civil Rule 16.01(A), Plaintiff is unable to pursue discovery of his claims or effectively prepare for the forthcoming trial. For this reason, Plaintiff respectfully requests the Court convene a status conference to work out an appropriate schedule governing discovery and trial of this case or, in the alternative, requests the Court issue a tentative scheduling order that commences discovery and sets deadlines for a Rule 26(f) conference and report.

Counsel for Plaintiff communicated with counsel for all represented parties regarding this motion via email on June 26, 2020, and conferred via telephone with counsel for Defendants Adidas America, Gatto, Code, and Rivers on June 29, 2020. Counsel for Adidas America, Gatto, Code, and Rivers informed Plaintiff that they take no position on this motion requesting a status conference to discuss the timing of discovery or, alternatively, the issuance of a scheduling order. Counsel for Defendants Dawkins and Sood did not respond to Plaintiff as of the time of this filing.

Dated: June 29, 2020

Respectfully submitted,

**MCLEOD LAW GROUP, LLC**

/s/ Colin V. Ram

W. Mullins McLeod, Jr. (Fed ID No.: 7142)

Colin V. Ram (Fed ID No.: 12958)

H. Cooper Wilson, III (Fed ID No.: 10107)

P.O. Box 21624

Charleston, South Carolina 29413

Tel: (843) 277-6655

Fax: (843) 277-6660

*Attorneys for the Plaintiff Brian Bowen II*